

## IN THE CLAIMS

Please amend the claims to read as follows:

### Listing of Claims

1-39. (Canceled).

40. (Currently Amended) A method for ~~receiving data in a data retransmission scheme~~ avoiding soft buffer corruption in a Hybrid Automatic Repeat reQuest (HARQ) protocol in a mobile communication system comprising a communication terminal and a plurality of base stations, wherein said communication terminal is in communication with said plurality of base stations during a soft handover, the method comprising:

receiving data from the communication terminal in a soft handover by at least one of the base stations employing one of plural HARQ processes of the HARQ protocol, wherein said communication terminal is in communication with said plurality of base stations during the soft handover,

storing said received data in ~~an associated~~ a soft buffer region of a HARQ soft buffer of said at least one of the base stations, wherein the soft-buffer region is associated to the HARQ process employed to receive the data,

decoding ~~by said received data at said~~ at least one of the base stations the data stored in said soft-buffer region associated to the HARQ process employed to receive the data, and

~~using the time~~ employing an elapsed time since storing said data in the ~~associated soft buffer in order to flush the soft buffer~~ soft-buffer region associated to the HARQ process employed to receive the data to flush by said at least one base station the soft-buffer region

associated to the HARQ process employed to receive the data, whereby soft-buffer corruption is avoided.

41. (Currently Amended) The method for receiving data according to claim 40, wherein the data is stored in the ~~associated soft buffer~~ soft-buffer region of the HARQ soft buffer in order to be combined with a retransmitted data, if the received data is not decoded successfully.

42. (Previously Presented) The method for receiving data according to claim 40 or 41, further comprising flushing the soft buffer based on the elapsed time.

43. (Currently Amended) The method according to claim 42, wherein ~~if said received data is decoded successfully, the soft buffer is flushed~~ the at least one base station flushes said soft-buffer region associated to the HARQ process employed to receive the data, if said the received data is decoded successfully.

44. (Currently Amended) The method according to claims 42, wherein the ~~soft buffer~~ soft-buffer region associated to the HARQ process employed to receive the data is flushed, if the elapsed time is equal to or larger than a threshold time period.

45. (Currently Amended) The method according to claims 43, wherein the ~~soft buffer~~ soft-buffer region associated to the HARQ process employed to receive the data is flushed, if the elapsed time is equal to or larger than a threshold time period.

46. (Previously Presented) The method according to claim 44, wherein the threshold time period is defined as a period after which a retransmission data can no longer be expected in the base station.

47. (Currently Amended) The method according to claim 40, further comprising:  
receiving [[a]] retransmission data from the communication terminal by at least one of the base stations employing said one of the HARQ processes,  
storing said received retransmission data in ~~an associated soft buffer~~ a soft-buffer region associated to said one of the HARQ processes,  
decoding ~~said received retransmission data~~ the data stored in the soft-buffer region associated to said one of the HARQ processes, and  
~~if the received retransmission data is not decoded successfully,~~ restarting timing of the elapsed time.

48. (Currently Amended) The method according to claim 40, further comprising:  
receiving [[a]] retransmission data from the communication terminal by at least of the base stations employing said one of the HARQ processes,  
storing said received retransmission data in ~~an associated soft buffer~~ a soft-buffer region associated to said one of the HARQ processes,  
decoding ~~said received retransmission data~~ the data stored in the soft-buffer region associated to said one of the HARQ processes, and

~~if said received retransmission data is decoded successfully~~, stopping timing of the  
elapsed time if the decoding is successful.

49. (Currently Amended) The method according to claim 40, further comprising:  
receiving retransmission data from the communication terminal by at least one of the  
base stations employing said one of the HARQ processes,

combining ~~[[a]]~~ received retransmission data with the previously received data in said  
one of of the HARQ processes to produce a combined data,

restarting timing of the elapsed time, and

decoding the combined data.

50. (Currently Amended) The method according to claim 40, further comprising ~~if the~~  
~~elapsed time is equal to or larger than a threshold time period~~, stopping the timing of the elapsed  
time if the elapsed time is equal to or larger than a threshold time period.

51. (Previously Presented) The method according to claims 44, wherein said threshold  
time period is of configurable duration.

52. (Previously Presented) The method according to claims 50, wherein said threshold  
time period is of configurable duration.

53. (Previously Presented) The method according to claim 51, further comprising signaling the duration of said threshold time period to said at least one of the base stations by radio network control signaling from a control unit in the mobile communication network.

54. (Previously Presented) The method according to claim 53, wherein the duration of said threshold time period is signaled to said at least one of the base stations in an information element of a NBAP message.

55. (Previously Presented) The method according to claim 51, further comprising signaling the duration of said threshold time period to said communication terminal by radio resource control signaling from a control unit in the mobile communication network.

56. (Previously Presented) The method according to claim 55, wherein the duration of said threshold time period is signaled to the communication terminal in an IE of at least one of a radio bearer setup message, a radio bearer reconfiguration message, a radio resource control connection setup message, a transport channel reconfiguration message, a cell update message, and a handover command message.

57. (Previously Presented) The method according to claim 40, further comprising transmitting a message from at least one of the base stations to the communication terminal indicating whether said at least one of the base stations decoded said received data successively.

58. (Previously Presented) The method according to claim 40, further comprising forwarding the received data to a control unit of the mobile communication system by one of said at least one of the base stations that did decode the received data successively.

59. (Previously Presented) The method according to claim 40, further comprising receiving a capacity request message from said communication terminal by at least one of the base stations requesting additional transmission capacity for a retransmission data.

60. (Previously Presented) The method according to claim 59, wherein said capacity request message comprises at least one of a transmission priority of data to be transmitted by said communication terminal, a size of data in a transmission buffer of said communication terminal, a duration of said elapsed time, an identification of data, or a channel for which capacity is requested.

61. (Previously Presented) The method according to claim 59 or 60, further comprising transmitting a capacity grant message from said at least one of the base stations to said communication terminal, wherein the capacity grant message indicates a transmission capacity assigned to said communication terminal for data transmission.

62. (Previously Presented) The method according to claim 40, wherein the data is received via a dedicated channel.

63. (Previously Presented) The method according to claim 40, further comprising receiving a restart request message from said communication terminal by at least one of the base stations, wherein said restart request message indicates data for which the elapsed time has to be restarted.

64. (Previously Presented) The method according to claim 63, wherein said restart request message comprises control information and no payload data or dummy payload data.

65. (Currently Amended) The method according to claim 44, wherein said ~~data retransmission-scheme~~ HARQ protocol is a window-based ~~data-retransmission-scheme~~ HARQ protocol, and the method further comprises calculating said threshold time period based on the time required for the transmission of all data within a window of the ~~data-retransmission-scheme~~ HARQ protocol.

66. (Currently Amended) The method according to claim 50, wherein said ~~data retransmission-scheme~~ HARQ protocol is a window-based ~~data-retransmission-scheme~~ HARQ protocol, and the method further comprises calculating said threshold time period based on the time required for the transmission of all data within a window of the ~~data-retransmission-scheme~~ HARQ protocol.

67. (Previously Presented) The method according to claim 44, further comprising calculating said threshold time period based on the time interval between the reception of an initial data and the reception of a retransmission data.

68. (Previously Presented) The method according to claim 50, further comprising calculating said threshold time period based on the time interval between the reception of an initial data and the reception of a retransmission data.

69. (Currently Amended) The method according to claim 44, further comprising calculating the duration of said threshold time period based on the size of said soft buffer, a maximum number of retransmissions in the ~~data retransmission scheme~~ HARQ protocol, a communication terminal's processing time for a feedback message, a respective base station's processing time for a received data and a transmission time interval.

70. (Currently Amended) The method according to claim 50, further comprising calculating the duration of said threshold time period based on the size of said soft buffer, a maximum number of retransmissions in the ~~data retransmission scheme~~ HARQ protocol, a communication terminal's processing time for a feedback message, a respective base station's processing time for a received data and a transmission time interval.

71. (Currently Amended) A base station for operation in a mobile communication system comprising a communication terminal and a plurality of base stations, wherein said base station comprises means for implementing the method according to claim 40.



72. (Currently Amended) A base station avoiding soft buffer corruption in a Hybrid Automatic Repeat reQuest (HARQ) protocol, wherein the base station is part of ~~for receiving data in a data retransmission scheme in~~ a mobile communication system comprising a communication terminal and a plurality of base stations including said base station, wherein said communication terminal is in communication with said plurality of base stations during a soft handover, the base station comprising:

a receiving section that receives data from the communication terminal employing one of plural HARQ processes of the HARQ protocol,

a soft buffer that stores ~~said received data~~ received employing one of the plural HARQ processes in a soft-buffer region associated to the respective HARQ process, and

a decoding section that decodes ~~said received data~~ received employing one of the plural HARQ processes and being stored in the associated buffer-region,

wherein the base station ~~is operable to use the time~~ employs an elapsed time since storing said received data in the associated soft-buffer in order to flush the soft-buffer soft-buffer region associated to the HARQ process employed to receive the data to flush the soft-buffer region associated to the HARQ process employed to receive the data, whereby soft-buffer corruption is avoided.

73. (Currently Amended) The base station according to claim ~~[[59]]~~ 72, wherein the base station is operable to store the received data in the associated ~~soft buffer~~ soft-buffer region in

order to be combined with [[a]] retransmitted data if the received data is not decoded successfully.

74. (Currently Amended) The base station according to claim [[59]] 72 or [[60]] 73, wherein the base station is operable to flush the soft buffer if said received data is decoded successfully.

75. (Currently Amended) The base station according to claim [[59]] 72, wherein the base station is operable to flush the ~~soft buffer~~ soft-buffer region associated to the HARQ process employed to receive the data if the elapsed time is equal to or larger than a threshold time period.

76. (Currently Amended) The base station according to claim [[62]] 75, wherein the threshold time period is defined as a period after which a retransmission data can no longer be expected in the base station.

77. (Currently Amended) The base station according to claim [[59]] 72, wherein the receiving section ~~receives a~~ is operable to receive retransmission data from the communication terminal employing said one of the HARQ processes, the soft buffer ~~stores~~ is operable to store said received retransmission data in the soft-buffer region associated to said one of the HARQ processes, and the decoding section ~~decodes said received retransmission~~ is operable to decode the data stored in the soft-buffer region associated to said one of the HARQ processes, and

wherein ~~if the received retransmission data is not decoded successfully,~~ the base station is operable to ~~restart the elapsed time~~ restart timing of the elapsed time.

78. (Currently Amended) The base station according to claim ~~[[59]]~~ 72, wherein the receiving section ~~receives a~~ is operable to receive retransmission data from the communication terminal employing said one of the HARQ processes, the soft buffer ~~stores~~ is operable to store said received retransmission data in the soft-buffer region associated to said one of the HARQ processes, and the decoding section ~~decodes said received retransmission~~ is operable to decode the data stored in the soft-buffer region associated to said one of the HARQ processes, wherein ~~if said received transmission data is decoded successfully,~~ the base station is operable to stop timing of the elapsed time if the received transmission data is decoded successfully.

79. (Currently Amended) The base station according to claim ~~[[59]]~~ 72, wherein the base station is operable to combine a retransmission data with the previously received data to produce a combined data, and the decoding section decodes the combined data.

80. (Currently Amended) The base station according to claim ~~[[59]]~~ 72, wherein the base station is operable to stop the elapsed time if the elapsed time is equal to or larger than a threshold time period.